

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Marcie O. Nolan, AICP, Acting Development Services Director/
(954) 797-1101

PREPARED BY: Lise Bazinet, Planner II

SUBJECT: Resolution: Delegation Application, DG 2-1-08/08-53/Rick Case

AFFECTED DISTRICT: District 4

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO INDICATE ALL IMPROVEMENTS REQUIRED BY THE PLAT KNOWN AS "POINTE WEST CENTER NORTH" HAVE BEEN FULLFILLED, AND PROVIDING AN EFFECTIVE DATE. (DG 2-1-08, Rick Case)

REPORT IN BRIEF: On January 19, 2005 the Town Council approved delegation request (DG 9-2-04, Resolution R-2005-15) to amend the restrictive note on the plat known as " Pointe West Center North" to increase the amount of development. This resolution also indicated that the petitioner was committed to work with the Town of Davie to provide improvements to the Shotgun Road/Orange Drive Corridor. These improvements included mitigating the impact of the proposed amount of development on said plat ,which have since completed. Therefore, the petitioner is requesting that the Town Council approve this delegation request indicating the applicant has fullfilled all improvements required by the Plat.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Resolution, Justification letter, Plat, Future Land Use Map, Zoning and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO INDICATE ALL IMPROVEMENTS REQUIRED BY THE PLAT KNOWN AS "POINTE WEST CENTER NORTH" HAVE BEEN FULLFILLED, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as the "Pointe West Center North" was approved by the Town Council of the Town of Davie on January 5, 2000; and

WHEREAS, the boundary plat known as the "Pointe West Center North" was recorded in the public records of Broward County in Plat Book 172, Page 136; and

WHEREAS, the delegation request (DG 9-2-04) amending the plat note associated with said plat was approved by the Town Council of the Town of Davie on January 19, 2005; and

WHEREAS, the owner has fulfilled their commitment to mitigate the impact on the Shotgun Road/Orange Drive corridor for the amount of development on said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision indicating the owner has fulfilled all improvements required by the "Pointe West Center North" plat. The proposed revision is being specifically described in the Attached "Justification letter".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2008.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2008.

Justification Letter

JUSTIFICATION STATEMENT FOR DELEGATION REQUEST

Re: Rick Case Hyundai
Owner: R & R Davie
Petitioner: C. William Laystrom, Jr./John D. Voigt
Date: February 7, 2008

Rick Case Hyundai is an existing facility located on the Pointe West Center North Plat, #100-MP-99, which was approved by the Broward County Board of County Commissioners on December 4, 2001. As part of the Broward County Staff Report issued at that time, the applicant was required to construct a number of improvements on and around the property. These improvements were memorialized in a document entitled "Installation of Required Improvements Agreement". This document was approved by the Board of County Commissioners during April, 2003. Exhibit "B" to the Installation of Required Improvements Agreement lists certain improvements that still needed to be completed. A copy of Exhibit B is attached hereto, made a part hereof, and labeled Exhibit "1". Items 15 and 16 called for the applicant to erect sidewalks along S.W. 36th Street (South Post Road) adjacent to the plat, and along S.W. 160th Avenue (Dykes Road), also adjacent to the plat.

The applicant did complete all other improvements listed on Exhibit "B" including the sidewalk along S.W. 160th Avenue, but did not complete the sidewalk along S.W. 36th Street (South Post Road). This was viewed at the time as a "sidewalk to nowhere" since the sidewalk would not connect with any other sidewalks and would stop short of reaching the bridge over Interstate 75.

Subsequently on January 19, 2005, the Town of Davie Town Council approved Resolution #R-2005-15, which allowed the applicant to amend the restrictive note on the Pointe West Center North Plat. A copy of that resolution is enclosed as Exhibit "2". In the resolution it indicates that the applicant will assist the Town of Davie in providing an equestrian crossing on the existing S.W. 36th Street bridge, and to provide a reasonable share contribution for the cost of improvements to the Shotgun Road/Orange Drive corridor. Inherent in constructing the equestrian trail was the elimination of the sidewalk along South Post Road, since there would not be room for both features to coexist.

Subsequently it was determined that rather than construct the equestrian trail, the applicant would donate additional funds to the Town of Davie for the road improvements and the equestrian

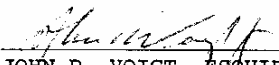
trail. This was accomplished at a later date and has been paid in full.

Now that the applicant has completed all requirements with regard to road improvements and offsite improvements, it has been discovered that technically the requirement for the sidewalk along S.W. 36th Street adjacent to the plat remains. Broward County has indicated that in order to remove that requirement from their staff report and to delete it from Exhibit "B" to the "Installation of Required Improvements Agreement", that the applicant must file a delegation request with the Town of Davie and obtain a letter of no objection from the Town with regard to elimination of the sidewalk requirement, which the applicant seeks to do by way of this application.

Enclosed please find an exhibit to the delegation request reflecting the exact location of the required sidewalk and displaying how the sidewalk does not connect to any other sidewalk at either the east or western end. This is labeled Exhibit "3". As indicated by this exhibit the sidewalk serves no function and its elimination will cause no detriment to the Town of Davie or its residents. Further, it is believe that the elimination of this sidewalk would be required for the construction of the proposed equestrian trail.

As a result, the applicant respectfully requests that the Town of Davie approve this delegation request to remove the sidewalk requirement by whatever means deemed appropriate to the Town Council.

Respectfully Submitted,



JOHN D. VOIGT, ESQUIRE
Doumar, Allsworth, Laystrom,
Voigt, Wachs, Mac Iver & Adair
1177 S.E. 3rd Avenue
Fort Lauderdale, Florida 33316
Telephone: (954) 762-3400
Facsimile: (954) 468-1469

LIST OF IMPROVEMENTS AND SCHEDULE

CAF#450
01/01/02

Exhibit 2

RESOLUTION NO. R-2005-15

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE POINTE WEST CENTER NORTH PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat known as the Pointe West Center North Plat was approved by the Town Council of the Town of Davie on January 5, 2000; and

WHEREAS, the Pointe West Center North Plat was recorded in the official records of Broward County in Plat Book 172, Page 136; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and,

WHEREAS, the owners have committed to working with the Town of Davie to provide an equestrian crossing on the existing SW 36 Street bridge and to provide a reasonable share contribution for the cost of improvements to the Shotgun Road/Orange Drive corridor that are necessary to mitigate the impact of the proposed amount of development on said plat; and

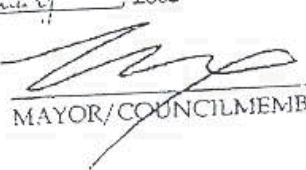
WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby approve the delegation request to change the restrictive note on the Pointe West Center North Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 14th DAY OF January, 2005

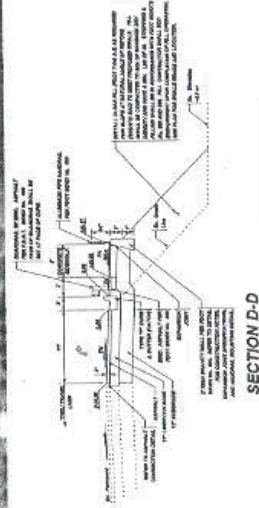
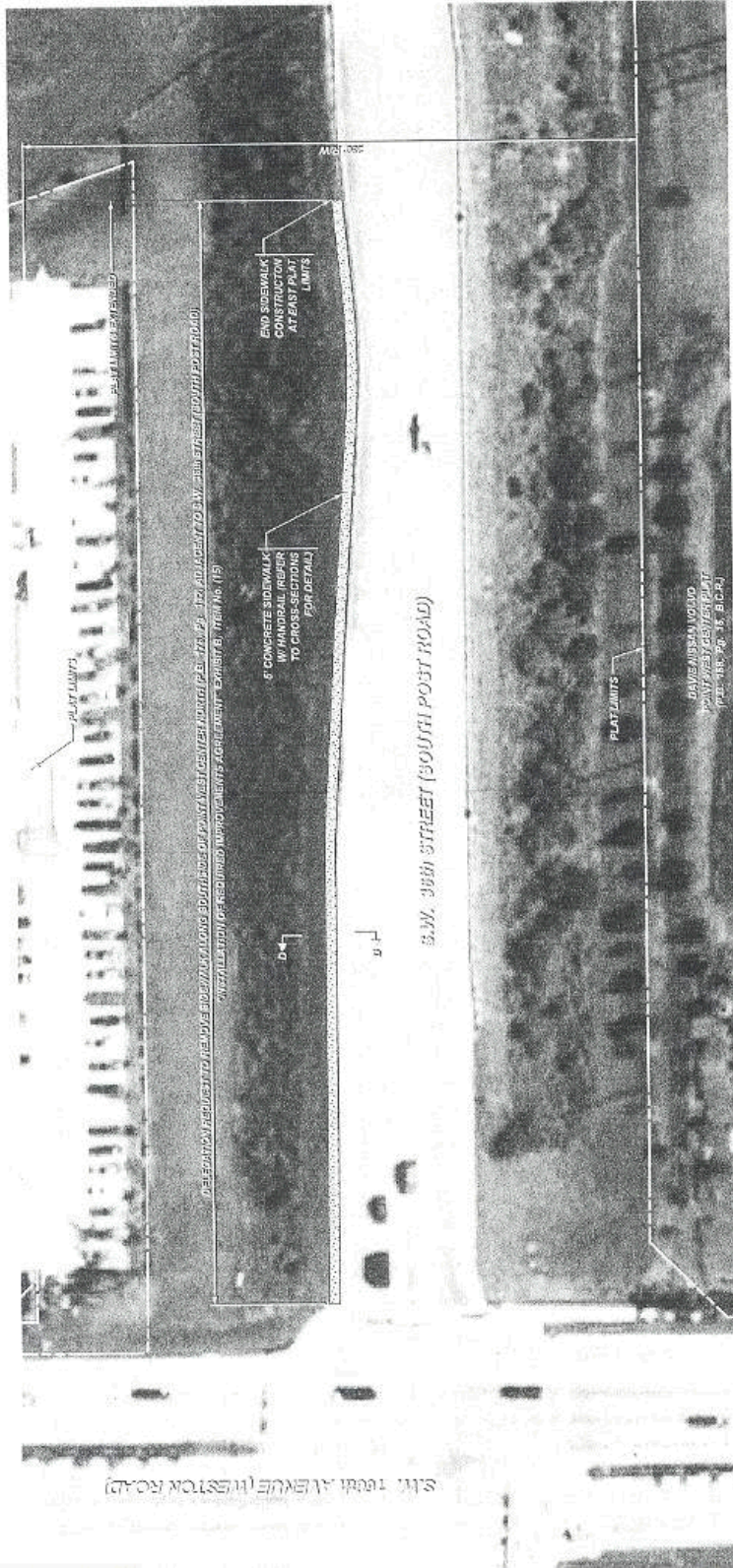

MAYOR/COUNCILMEMBER

Attest:


TOWN CLERK

APPROVED THIS 14th DAY OF January, 2005

Exhibit 3



DESIGNED	MAP	WINNINGHAM & FRADLEY, INC.	RICK CASE DEALERSHIPS	DELEGATION REQUEST	PROJECT NUMBER	98530.02
DRAWN	AMP	BY: R. CASE	R & R DAVE, L.L.C.	EXHIBIT	DATE	1 OF 1
DATE	ENVELOPE	BY: R. CASE				

Plat

POINTE WEST CENTER NORTH

A REPLAT OF PORTIONS OF PARCELS 43, 44, 45, 46 AND 47, LYING IN THE S.W. 1/4 OF SECTION 2, TOWNSHIP 50 SOUTH, RANGE 40 EAST, AS SHOWN ON "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", RECORDED IN PLAT BOOK 2 AT PAGE 17, DADE COUNTY RECORDS, TOWN OF DAVIS, BROWARD COUNTY, FLORIDA.

CPN # 103001353.

PREPARED BY:
JAN HENRIKSEN & ASSOCIATES, INC.

Page 1 of 2
Recorded 05/09/2003 at 02:27 PM

SCALE: 1" = 40' (SEE SHEET 2 OF 2)



LEGAL DESCRIPTION

THE FOLLOWING IS A LEGAL DESCRIPTION OF THE LANDS SHOWN ON THIS REPLAT, TO-WIT: PARCELS 43, 44, 45, 46 AND 47, LYING IN THE S.W. 1/4 OF SECTION 2, TOWNSHIP 50 SOUTH, RANGE 40 EAST, AS SHOWN ON "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", RECORDED IN PLAT BOOK 2 AT PAGE 17, DADE COUNTY RECORDS, TOWN OF DAVIS, BROWARD COUNTY, FLORIDA.



BROWARD COUNTY ENGINEERING DIVISION

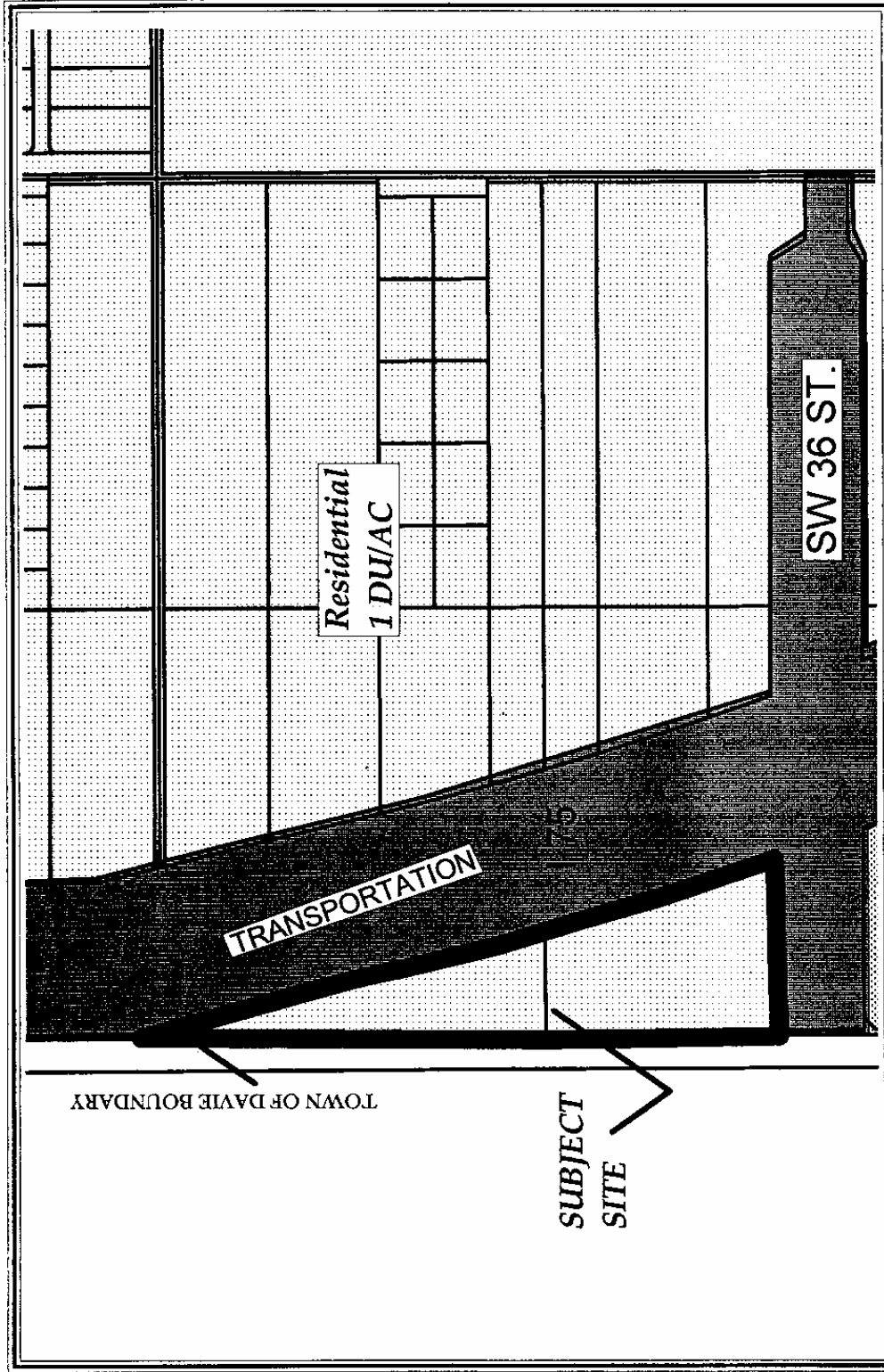
By: *[Signature]*
BROWARD COUNTY ENGINEERING DIVISION

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly licensed Surveyor of the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land.

Witness my hand and the seal of the State of Florida at Tallahassee, this 1st day of May, 2003.

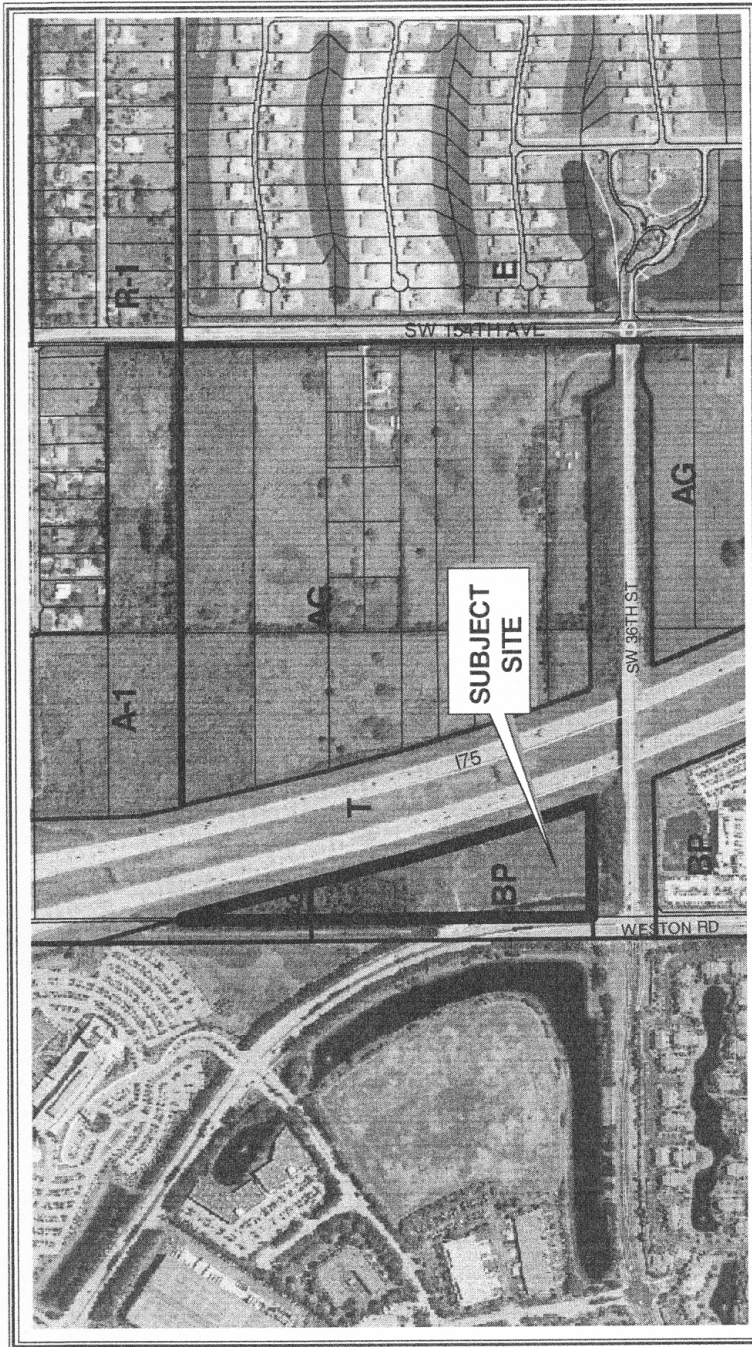
Future Land Use Map



Planning & Zoning Division - GIS

Existing Future Land Use Map

Zoning and Aerial Map



Date Flown:
12/31/03



Prepared by the Town of Davie GIS Division



Zoning and Aerial Map

Prepared By: ILD
Date Prepared: 3/10/05

